

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Yoichiro ARIMA *et al.*

U.S. Appl. No. 09/403,603

Int. Appl. No.: PCT/JP98/01844

Int. Filing Date: October 22, 1999

For: ELECTRODE AND CELL

Art Unit: (Not yet assigned)

Examiner: (Not yet assigned)

Atty Docket: P64708US0

08 NOV 2002

Legal Staff
International Division

RENEWED PETITION TO REVIVE/REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents

Box PCT Legal

Washington, D.C. 20231

Attn: PCT Legal Office

Sir:

Reconsideration of the Decision dated October 31, 2002 is respectfully requested. No further fee is believed to be due. In the event that additional fees are required for consideration of this paper, such fees are hereby authorized to be charged to our Deposit Account No. 06-1358.

Applicant's counsel understands the petition to revive to have been denied because no satisfactory explanation was provided for the delay between the mailing of the July 19, 2001 Decision and submission of a copy of the executed declaration submitted on July 17, 2000.

On August 1, 2001, following receipt of the Decision dated July 19, 2001, Applicant's undersigned counsel spoke by telephone with Attorney Advisor Cynthia Kratz to obtain clarification regarding a due date for responding to the Decision, as no time frame for reply was set forth in the

July 19, 2001 Decision. In the course of that conversation, Ms. Kratz advised that she thought six months to one year would be a reasonable time for the filing of a petition to reconsider, but that there was no fixed date, as the application was abandoned. A copy of counsel's notes from that telephone conversation is submitted herewith as Exhibit A. A summary of the conversation between Ms. Kratz and Applicant's undersigned counsel is set forth in the Request For Reconsideration submitted July 25, 2002, in the paragraph bridging pages 2-3.

It was counsel's understanding from that conversation that the "no fixed date" for response was applicable to all aspects of the July 19, 2001 Decision. It is respectfully submitted that such an interpretation is more than reasonable, inasmuch as submission of a copy of the executed declaration would not have resulted in revival of the application in the absence of the required evidence of the eighth inventor's refusal to execute the declaration; and therefore would have been a futile act. The copy of the executed declaration was submitted on July 25, 2002, as soon after receipt of the July 19, 2001 Decision as Applicant's counsel was able to obtain from the assignee the required evidence of the eighth inventor's refusal to execute the declaration and to prepare the Request For Reconsideration (with which the evidence and the copy of the executed declaration were submitted).

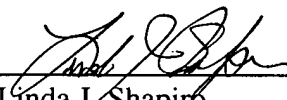
In view of the foregoing, reconsideration of the Decision dated October 31, 2002 and granting of Applicant's previously-filed Petition to Revive are respectfully requested.

Should any questions arise, the PCT Legal Office staff is invited to call the undersigned representative so that this case may proceed to examination.

Respectfully submitted,

JACOBSON HOLMAN PLLC

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